

1 July 1975

The Honorable Roderick M. Hills
Counsel to the President
The White House
Washington, D. C.

Dear Rod:

The attached 26 June letter from the Committee would pose an impossible problem to the Agency. I have drafted the attached possible reply on which I would like to get your approval. Since I understand some of the other agencies have been hit by equally broad requests, however, you might want to go at it on an Executive Branch basis rather than letting each of us handle our own. I would appreciate your reactions.

Sincerely,

W. E. Colby
Director

P. S. I have sent a copy to Brent also.

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CENTRAL INTELLIGENCE AGENCY

1 July 1975

Lt. General Brent Scowcroft, USAF
Deputy Assistant to the President
for National Security Affairs
The White House
Washington, D. C.

Dear Brent:

The attached 26 June letter from the Committee would pose an impossible problem to the Agency. I have drafted the attached possible reply on which I would like to get your approval. Since I understand some of the other agencies have been hit by equally broad requests, however, you might want to go at it on an Executive Branch basis rather than letting each of us handle our own. I would appreciate your reactions.

Sincerely,


W. E. Colby
Director

P. S. I have sent a copy to Rod Hills also.

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

The Honorable Frank Church, Chairman
The Honorable John Tower, Vice Chairman
Select Committee To Study Governmental
Operations With Respect To Intelligence
Activities
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman and Mr. Vice Chairman:

While fully understanding the purposes of your letter of June 26th covering the Senate Select Committee's desires for studies in the area of the domestic activities of the Central Intelligence Agency, I am constrained for substantive and for practical reasons to request that the Committee review the approach stated in that letter. Together I would hope instead to develop a new one which will achieve the Committee's objectives but not cause extensive disruption to the work of this Agency and expose many of its sensitive activities and sources and methods to the risk of exposure. You will recall that this was a problem raised in my first letter of 11 March 1975 wherein I identified certain matters as requiring protection not only from exposure but from the risk of exposure.

The Committee has of course had access to the Report to the President by the Commission on CIA Activities Within the United States. I understand that the material the Agency made available to that Commission has also been made available to the Committee, including certain material which was made available to the Commission by this Agency "on loan" in unsanitized form in anticipation that this sensitive information would be returned to the Agency and not be further exposed.

I am deeply concerned that some of this material includes matters of great sensitivity, including the names of sources who worked with us with an understanding of secrecy, as well as certain material which, if exposed, could constitute an improper invasion of the privacy of certain of our citizens. I

understand the Committee's desire to examine the basis for the Commission's published findings by reviewing material made available from the Commission's files as well as material the Committee might be able to obtain independently. I reiterate my concern, however, that both procedures be undertaken in a fashion to implement our original understanding with respect to how to handle particularly sensitive matters. I would particularly request an opportunity to sanitize the material now in the Committee's hands, per our original understanding.

The broad requests included in the attachments to your letter of June 26th go into even further detail on these matters and arouse great concern with respect to my statutory responsibilities to protect intelligence sources and methods and my obligations to respect the privacy of individuals about whom information may exist in our files, whether properly or improperly. Illustrative of this concern is the suggestion in the attachment to your letter that all the material requested "be reviewed in unsanitized form by staff at CIA headquarters," thereby exposing the names of our sources and information, whether properly collected or not, about Americans which may be in these files. The fact that the request for "documents" is defined as "all correspondence, memoranda, notes, working papers, bucksheets and routing slips, studies, reports, charts, films, tapes and all other writings, printings, typings, or drafts, and copies or reproductions" illustrates clearly, I believe, that the request asks for full exposure of precisely those matters about which I expressed particular concern in my letter of 11 March.

I have an equal concern as to the practical aspects of meeting the Committee's request. The attachment refers to "the CIA's responsibility to search for such materials throughout the Agency," and says that requests for "all files are intended by the Committee to include all subject, correspondence, chronological and all other files or unfiled documentary materials in the office, or storage repositories, of the organizational unit which managed the program or project in question," as well as "all such files in the offices or storage repositories of the responsible Division Director, Office Director, and Directorate Deputy Director, in the DCI office, and in any other part of the Agency which had significant involvement or connection with the program." Such request would also include "files of any earlier or later versions of a project." In the more specific requests, the Committee requests chronological files of a number of our offices and units over

several years and all files concerning fifty-named projects, all CIA files on thirty-one-named individuals (without reference to considerations of their possible privacy interests), all connections with eight business institutions, and a vast quantity of additional material described in somewhat the same sweeping terms. Sanitization of such material to protect intelligence sources and the privacy of third parties would require a prohibitive investment in time, personnel and disruption of the regular work of this Agency. The single effort to segregate material of other agencies and negotiate its release to the Committee by the originating agency would alone involve a vast effort of file review and coordination.

The Committee also requests interviews or depositions with a large number of our past or present employees and senior officials. A number of these are currently abroad or under cover, and arrangements would be necessary for the protection of their identities in the course of such interviews.

With this background, I respectfully request the Committee to reconsider its letter of June 26th. I believe we could design an approach to this study which would be more economical and yet fully satisfactory to both the Committee and to my interests in the protection of intelligence sources and methods. Returning to the original of your letter rather than its attachments, I would propose to undertake to describe to the Committee and to provide illustrative sample documentation on the five subjects of investigation outlined, specifically including any allegations or evidence of abuses or improprieties, and to cover fully the eleven major issues identified by the Committee. I would propose that these be in the form of positive responses to the questions raised, with sufficient sanitized documentation to give a full response to the Committee's inquiry. In order that the Committee would be assured of the accuracy of such responses and that the selection of documents is fully representative and specifically includes any reflecting abuses, I would propose that the Committee identify a limited number of incidents taken from the presentation or originated by the Committee's independent investigations. I would authorize a spot-check of the basic documentation on these matters in a highly compartmented fashion, with exposure of all but the most sensitive material to a designated Committee staff member and discussion with and possible presentation to the Chairman and Ranking Minority Member of any critically sensitive items.

In this fashion, I believe that the Committee could have the best answers to the questions it raised and still be assured of the integrity of its investigation. At the same time, the Agency and I personally could properly carry out our responsibility for the protection of intelligence sources and methods from unauthorized disclosure and avoid a major interruption in the Agency's performance of its current functions and duties.

Sincerely,

W. E. Colby
Director